

CIVIL JURY TRIAL PROCEEDINGS

Date: 08/05/2013 (Day 5) Case No.: 1:12cv01235 Time: 9:13 - 9:40
9:50 - 11:24
Before the Honorable: Anthony J. Trenga 11:45 - 1:00
Lunch: 1:00 - 2:00
2:00 - 3:17
4:47 - 5:35

Court Reporter: R. Montgomery

Courtroom Deputy: Janice Allen Time in Court: 5 hour 31 min.

<u>PARTIES</u>	<u>COUNSEL</u>
<u>Justin Slaby</u>	<u>John Griffin, Kathy Butler, Justin Slaby (Pltf)</u>
vs.	<u>Michael Newerburg (Paralegal), John Ates</u>
<u>Eric Himpton Holder, Jr.</u>	<u>Bernard Kim, Sousun Bae, Kevin Mikolashek</u>
	<u>Julie Johnson, Matt Rizzo, Lauren Wetzler</u>

This case comes on for further trial by Jury. Appearances of Parties & Counsel as previous.

Preliminary Issues (held outside the presence of the Jury):

- Pltf. addresses Dr. Grubb's testimony
- Pltf. addresses the testimony of Wilson and Flannangan
- Pltf. request to be allowed to show use of prosthetic – granted
- Parties agree not to play final portion of Kolbye's testimony

Defendant Continued to Adduce Evidence and rests ☒

Out of presence of the Jury – Pltf. Motions for Rule 50 judgment as a matter of law due to undo hardship and direct threat – TUA

Pltf.'s Rebuttal Witness called.

Evidence Concluded [X]

Jury excused to return tomorrow, 8/06/2013 @ 10:00 a.m.

Jury Instructions and Verdict Form distributed to parties.

Out of presence of the jury, jury instruction conference held.

Case CONTINUED to: **Tues, 08/06/2013 @ 9:00 a.m. FOR Day 6 of Jury Trial** (*Counsel to be present at 9:00 a.m.; Jury to be present at 10:00 a.m.*)